TRANSMITTAL OF APPEAL BRIEF (Small Entity)	Docket No. 1442.026

In Re Application Of: **BRENNAN et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/055,513	01/23/2002	Robert M. Fetsuga	23405	3751	9358

Invention: **FLUID FLOW SYSTEM**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:

September 21, 2004

☐ Applicant claims small entity status. See 37 CFR 1.27

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Dated: **November 1, 2004**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brennan et al.	**Group Art Unit:**	3751
Serial No.:	10/055,513	**Confirmation No.:**	9358
Filed:	January 23, 2002	**Examiner:**	Robert M. Fetsuga
Title:	FLUID FLOW SYSTEM		

CERTIFICATE OF MAILING

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APPELLANT'S APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

This is an appeal under 37 C.F.R. § 1.191 and § 1.192 from a final Office Action dated August 3, 2004, of claims 1-18, 21, 24-32, 34-36, 40 and 41, comprising all the claims finally rejected. A Notice of Appeal was timely filed on September 21, 2004, and received in the U.S. Patent and Trademark Office on September 23, 2004. Therefore, this Brief is being timely filed. A Transmittal of Appeal Brief is included herewith along with a check in the amount of $160.00, as set forth in 37 C.F.R. § 1.17(f).

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REAL PARTY IN INTEREST

Saratoga Spa and Bath Co., the assignee of all the inventors' rights in this patent application, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

To the knowledge of the Appellants, Appellants' undersigned legal representative, and the assignee, there are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1-41 were originally presented in the subject application. Claims 19, 20, 22, 33, and 37-39 were withdrawn from consideration. No claims have been allowed. Therefore, claims 1-18, 21, 24-32, 34-36, 40 and 41 remain rejected and are herein being appealed.

STATUS OF AMENDMENTS

No amendments were filed subsequent to the Final Office Action dated August 3, 2004.

SUMMARY OF CLAIMED SUBJECT MATTER

In a first aspect of the invention, a fluid flow system for a hydrotherapy tub is provided. The system includes a body (11, FIGS. 1-3; page 4) configured to be attached to a hydrotherapy tub (30, FIG. 1; page 4) having an opening through a surface (21, FIG. 4; page 7) of the tub such that the body is immovable and affixed to the surface during operation. The body includes a water inlet (80, FIG. 2; page 5) and an air inlet (90, FIG. 2; page 5). The body also includes a first chamber (50, FIG. 2; page 4) and a second chamber (60, FIG. 2; page 4). The water inlet is configured to extend through the opening to transmit water to the first chamber through the opening. The air inlet is configured to extend through the opening to transmit air to the second chamber through the opening. A plurality of outlets (70, FIG. 2; page 4) is in fluid communication with the first chamber and the second chamber. The plurality of outlets is also

configured to transmit water from the first chamber and air from the second chamber to an interior of the hydrotherapy tub.

In a second aspect of the invention, a hydrotherapy tub is provided. The tub includes an inner surface (21, FIG. 4; page 7) having an opening therethrough. Also included are an air source (95, FIG. 2; page 5) and a water source (85, FIG. 2; page 5). A body (11, FIG. 2; page 4) is mounted to a hydrotherapy tub (30, FIG. 1; page 4) such that the body covers the opening and the body is immovable and affixed to the inner surface during operation. The body has a first chamber (50, FIG. 2; page 4) and a second chamber (60, FIG. 2, page 4). The first chamber is in fluid communication with the water source through the opening and the second chamber is in fluid communication with the air source through the opening. A plurality of outlets (70, FIG. 2, page 4) is adapted to receive water from the first chamber and to receive air from the second chamber. The plurality of outlets is configured to transmit the water and the air to an interior of the hydrotherapy tub.

In a third aspect of the invention, a fluid flow system for hydrotherapy tub is provided. The system includes a body (11, FIG. 2; page 4) configured to be mounted to the hydrotherapy tub (30, FIG. 1; page 4) having an opening through a surface of the tub such that the body covers the opening and the body is immovable and affixed to the surface (11, FIG. 4; page 7) during operation. The body includes a water inlet (80, FIG. 2; page 5) and an air inlet (90, FIG. 2; page 5). The water inlet and the air inlet are configured to extend through the opening. The water inlet and the air inlet are configured to transmit water and air, respectively, through the opening. The body further includes means for providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

In a fourth aspect of the invention, a method for controlling fluid flow to a hydrotherapy tub is provided. The method includes mounting a body (11, FIG. 2; page 4) to a hydrotherapy tub (30, FIG. 1; page 4) having an opening through a surface (21, FIG. 4; page 7) of the tub such that the body covers the opening and the body is immovable and affixed to the surface during operation. The body includes an air inlet (90, FIG. 2; page 5) and a water inlet (80, FIG. 2; page 5). The water inlet and the air inlet extend through the opening and are configured to

receive water and air, respectively, through the opening. The body further includes means for providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

In a fifth aspect of the invention, a method for controlling fluid flow to a hydrotherapy tub is provided. The method includes mounting a body (11, FIG. 2, page 4) to a hydrotherapy tub (30, FIG. 1; page 4) having an opening through a surface (21, FIG. 4; page 7) of the tub such that the body covers the opening. The body is immovable and affixed to the surface during operation and the body receives water and ambient air through the opening. The method further includes providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-18, 21, 23-32, 34-36, 40 and 41 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. In particular, the Office Action alleges that the phrase "immovable and affixed to said surface during operation", in claims 1, 24, 28, 34 and 40 is new matter.

2. Claims 1, 3, 4, 10, 21, and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 1 is alleged to be unclear as to whether the "hydrotherapy tub" is intended to be part of the claimed combination.

3. Claims 1-10, 16-18, 21, 23-32, 34-36, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being obvious over Martin '259 and Gardenier et al. '303.

4. Claims 11-15 stand rejected under 35 U.S.C. § 103 as being obvious over Martin '259, alone, or taken with Gardenier et al. '303, and further in view of Guiler '982.

ARGUMENT

1. Rejections Under § 112, First Paragraph:

Claims 1-18, 21, 23-32, 34-36, 40 and 41 were rejected in the Final Office Action as containing subject matter which was not described in the specification as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, claim 1 recites, *inter alia*, a body "immovable and affixed to said surface during operation." The Final Office Action rejects this language and considers it to be new matter, since the claim does not recite that the claimed device immovable due to the attachment of the device to the wall of the spa by a nut. The applicant had previously argued that the figures clearly disclose the immovability of the device during operation by the depiction in FIGS. 1 and 2, which show the device being inserted through a hole in a wall of a spa and being attached via nut 262 attached to threads 255 of side walls 250 of body 11.

The standard for an adequate written description to support a particular claim turns on whether a person of ordinary skill in the art is able to recognize that what has been claimed has been invented by the applicant. Further, the written description requirement can be satisfied by a drawing if the subject matter claimed would be understood to one skilled in the art from the drawing and description. Moreover, the drawings alone may satisfy this requirement. See Vas-Cath Inc. v. Mahurkar, 19 U.S.P.Q.2d at 1116-1118 (Fed. Cir. 1991), 935 F.2d 1555.

The depiction in FIG. 2 of the threads and the nut which allow the attachment of the body through an opening to the wall of the spa conform with the written description requirement since it would be understood by one skilled in the art from such drawing that once the body was attached to the spa, it would be immovable and affixed to the surface of the spa during operation. The rejection by the Examiner of this claim due to the lack of a recitation of a "nut" does not take into account that the specification must merely disclose one embodiment of the device supported by the specification. Each detail of the specific embodiment depicted in the drawings and described in the specification do not need to be themselves explicitly claimed.

Also, the Final Office Action states that the system is clearly capable of being moved in the absence of nut 260. However, the claim language needs merely to be supported by the specification for it to satisfy the written description requirement. The claim language affixed and immovable relates to the embodiment depicted having the nut attached to the threads of the body such that the body is "immovable and affixed" during operation. The fact that it is possible for the nut to be removed and the body to be movable instead of immovable is irrelevant since an embodiment in which the body is immovable and affixed is supported by the specification. Thus, it would be clear to one of ordinary skill in the art that applicant would have possession of the claimed invention at the time of filing. Accordingly, it is respectfully submitted that claims 1, 24, 28, 34 and 40 satisfy the written description requirement under § 112, first paragraph, and this rejection is believed to be overcome.

2. Rejections Under § 112, Second Paragraph:

Claims 1, 3, 4, 10, 21 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Final Office Action alleges that it is unclear relative to claim 1 whether the "hydrotherapy tub" is intended to be part of the claimed combination since structure of the "fluid flow system" is defined as being connected thereto, but no positive structural antecedent basis therefore has been defined.

Claim 1 recites, *inter alia*, a fluid flow system for a hydrotherapy tub which includes a body configured to be attached to a hydrotherapy tub " ... such that the body covers the opening and the body immovable and affixed to said surface during operation ..." Plus, this claim recites a body configured to be attached to a hydrotherapy tub in a particular manner such that the body covers the opening and the body is immovable and affixed to the surface during the operation. It is clear from this claim that the hydrotherapy tub itself is not claimed and instead a system for use with such a tub is being claimed.

To meet the definiteness requirement, a claim must merely define the scope of coverage claimed so that the public and courts will know what is covered by a patent and what is not. Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81 (Fed. Cir. 1986), 802 F.2d 1367.

The patentable subject matter must merely be claimed with a reasonable degree of particularity and distinctness. MPEP § 2173.02. In the present case, it is clear from claim 1 that the body is configured to be attached to the hydrotherapy tub in a particular manner and to provide a particular result. The configuration of the body to be attached to the tub makes clear that the body is not being claimed as being attached to the tub. In contrast, claim 24 specifically recites a hydrotherapy which includes particular elements, and a body being mounted to the hydrotherapy tub. There is no recitation in claim 24 of the body being configured to be attached, but instead the body is recited as being mounted to the hydrotherapy tub. Thus, it is respectfully submitted that one of ordinary skill in the art would understand the scope of claim 1 of the present application and thus this rejection is believed to be overcome.

Claims 3, 4, 10 and 21 are alleged to be redundant relative to claim 1 and thus presumably indefinite. A review of these claims reveals that they recite details which are not recited in claim 1. For example, claim 3 specifically recites that the body is adapted to be mounted on an inner surface of the hydrotherapy tub. Claim 1 does not specifically recite that the surface to which the body is to be mounted is an "inner surface." Thus, it is respectfully submitted that these claims are not redundant relative to claim 1, nor are they indefinite under § 112, second paragraph.

3. Martin '259 and Gardenier et al. '303:

The Final Office Action rejected claims 1-10, 16-18, 21, 23-32, 34-36, 40 and 41 as being obvious over Martin '259 and Gardenier et al. '303. More specifically, the Office Action alleges that FIG. 11 of Martin '259 discloses all of the features of claim 1 except that the inlets of the '259 hydrotherapy tub do not extend through an opening. It is alleged that in consideration of Gardiner et al. '303, it would have been obvious to one of ordinary skill in the art to associate an opening with the '259 tub to facilitate installation.

Martin discloses an apparatus for insertion into a bathtub which is placed on an interior surface of the tub and receives fluid through rigid conduits which pass through an interior water containing portion of the bathtub. Specifically, referring to FIG. 11 per the Office Action, a pump external to the tub removes water from a standpipe 91 and re-circulates the water through a

water supply conduit running through the center of the standpipe to a manifold for injecting water and air to the interior of the tub. Ambient air is received into the manifold passively via a vertical pipe which extends above the water's surface of the tub. However, Martin does not disclose an apparatus being configured to be attached to a hydrotherapy tub having an opening through a wall of such tub. Further, there is no disclosure of a body having a water inlet configured to extend through such an opening to transmit water to a first chamber. Martin does not disclose a body having an air inlet configured to extend through an opening to transmit air to a second chamber. Moreover, there is no disclosure of a body including such first and second chambers, which is configured to be attached to a hydrotherapy tub such that the body covers an opening therein and is affixed to a wall of the hydrotherapy tub during operation. Instead, Martin discloses in FIG. 11 a device which rests on an interior surface of a tub, receives water via conduits which extend out of the tub over a side thereof and which receives air via a vertical pipe extending above a surface of the water contained in the tub. However, there is no disclosure in Martin of an opening in a tub which is covered by a body having a first chamber and a second chamber, nor water and air inlets of the body extending through such an opening to transmit water and air through the opening to the first and second chambers, nor the body being immovable and affixed to the surface of the tub during operation.

Regarding the allegation in the Office Action that the Martin '259 device is capable of receiving water and air through a single opening in a tub, there is no disclosure in this reference of receiving water and air through an opening in the tub. Instead, the water and air conduits in Martin extend through a water containing portion of a tub with the water conduits extending above a side of the tub and the air conduit extending vertically above a water's surface to allow ambient air to flow therein.

Further, it is not clear from the Office Action how the device in Martin could receive water or air from a single opening as alleged. In particular, there is no allegation how the standpipe would receive return water if it was located outside the water containing portion of the tub, for example. Also, there is no indication of how the water supplying conduit and water expelling conduit would extend through a same opening in the tub or even different openings therein, particularly since these pipes appear to be rigid and thus not easily manipulated. Instead,

the conduits are not located relative to one another to allow them to extend through a single opening, and even if they were to extend through such a single opening, there is no allegation of how the tub would be sealed to prevent leakage through such opening. Moreover, the device in FIG. 11 includes a vertical pipe for receiving ambient air from above the water's surface, and there is no allegation of how such vertical pipe would be configured to extend through a same opening as the receiving and expelling water conduits, nor how such realigned air conduit would access ambient air. Further, there is no allegation of how the water and air conduits in Martin '259 could extend through such a single opening to allow a body thereof to cover such opening.

Also, there is no suggestion, teaching, or motivation in Martin, which would cause one skilled in the art to put a hole in the tub disclosed therein and attempt to fit the two water conduits and the air conduit therethrough. In fact, Martin teaches away from creating such an opening, because water in Martin is supplied by the water conduit extending outside the tub or via a faucet in the tub (see Fig. 7). The alteration of a tub by cutting holes therein is not compatible with either of these water supply approaches.

Further, even if there was a reason to create such an opening, the Office Action does not allege how such conduits would be aligned and would extend through the opening. For example, the air conduit is depicted as extending from the top surface of the manifold above a water's surface, but it is unclear how the manifold and/or vertical pipe would be realigned to allow it to extend through an opening in the tub, nor how such a realigned conduit would access ambient air. Further, there is no allegation regarding how a body of the device disclosed in Martin could be affixed to a surface of the tub such that the body covers any opening therethrough. Moreover, there is no allegation in the Office Action of inlets extending through such an opening. Instead, the Office Action merely alleges that one of ordinary skill in the art would associate an opening with the Martin tub to facilitate installation. However, the Office Action does not allege a disclosure, teaching, or suggestion in Martin which would cause one to put such hole in a tub, nor how such a device would function.

There are three embodiments of the Martin device disclosed, but despite the variation in the disclosed embodiments, none of these devices include an opening in the tub to allow water and air to pass therethrough and which is covered by a device affixed to the surface of such a tub. Instead, the routing of rigid water and air conduits away from the tub's surface in the depicted embodiments teaches away from such an opening. Thus, there is no teaching, suggestion or motivation disclosed in Martin '259 to cause one to combine Martin '259 with Gardenier et al. or to provide the tub disclosed in Martin with an opening, as alleged in the Office Action. As noted, the Office Action alleges that it would be obvious to associate an opening with the tub in Martin '259 to facilitate installation thereof, but there is no teaching, suggestion, or motivation in Martin '259 to cause one to look to Gardenier or create such an opening and in fact there are three embodiments disclosed in this reference, none of which envision an opening in the tub disclosed therein. Instead, it is only with impermissible hindsight reasoning of applicants' invention that Martin '259 and Gardenier et al. have been combined in an attempt to support an obviousness rejection of the independent claims. Such hindsight reasoning is improper.

Also, the Office Action alleges that the purposes of both the Martin '259 and Gardenier fluid flow systems is to provide hydrotherapy via air and water jets connected to respective fluid chambers in a body supported on the bottom surface of the tub. The Office Action alleges that whether the fluid inlets to the chambers extend through an opening and a tub surface/wall or extend over the wall of the tub would not affect the ability of the system to provide hydrotherapy. Applicant acknowledges that either way hydrotherapy is provided, but a wholesale reconstruction of the Martin '259 device is not taught by Gardenier et al. Instead, Gardenier et al. provides an opening in a tub wall and injector which extends therethrough, but none of the other elements of claim 1 are disclosed by this reference.

The Office Action alleges that the elements missing from Gardenier et al. are disclosed by Martin '259. However, the device in Martin '259 is not even remotely configured to provide fluid communication through a wall of a tub. In particular, the air supply pipe extends upwardly away from the body of the device. The water return device and water supply device are both received within the water containing portion of the tub and it is unclear how they could be separated such that a water supply conduit and air supply conduit would extend through an

opening in the tub. In particular, the water supply conduit extends through a standpipe for receiving return water and a top portion of the standpipe body is connected to a conduit which extends over a top portion of the tub. To perform the Office Action's proposed combination, the entire device in Martin '259 would need to be reconstructed.

The Office Action merely alleges that both devices deal with hydrotherapy and therefore it would be obvious to put an opening in the tub in Martin '259. This neglects the specific teachings of Martin '259 and the requirement to consider a reference as a whole, including portions which argue against obviousness. Baush & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986), 796 F.2d 443,450. Viewing Martin '259 as a whole, there would be no reason to reconstruct the entire device such that the air supply conduit was reversed or otherwise reconstructed such that it no longer extends above the water surface to receive air and instead extends below such surface. Further, when viewing this reference as a whole, one would not seek to reconstruct this device such that water and air conduits extended from the body thereof such that they could extend through a single opening in the tub.

Moreover, such a reconstruction would be impossible considering the use of the standpipe for receiving return water and the routing in Martin '259 of the water supply line through a center of this standpipe. The standpipe itself must remain in the water containing portion of the tub to allow it to function and receive return water from the containing portion. There is no allegation in the Office Action which even deals with the water standpipe or how this device could be reconstructed such that it could extend through an opening in the tub. Thus, even if the references were combined as alleged, the proposed combinations would not be functional and would not be satisfactory for the intended purpose of hydrotherapy, nor would it satisfy the subject matter of claim 1 of the present application.

Therefore, there is no suggestion or motivation alleged in the Office Action, or presented in Martin '259, to combine Martin '259 with Gardenier, and such combination is done only with impermissible hindsight reasoning. Further, even if the references were combined as alleged, such a combination would not result in the subject matter of claim 1 in the present application. Accordingly, the alleged combination cannot make claim 1 of the present application obvious.

Claim 1 is believed to be allowable and the dependent claims are believed to be allowable for the same reasons and for their own additional features.

Claim 24 recites the subject matter of claim 1 in combination with a hydrotherapy tub and is, therefore, believed to be allowable for the same reasons as claim 1 and for the additional feature of a hydrotherapy tub being combined therewith. Thus, claim 24 is believed to be allowable along with the dependent claims which are believed to be allowable for the same reasons and for their own additional features.

Claim 28 recites, *inter alia*, a fluid flow system for a hydrotherapy tub which includes a body configured to be mounted to a hydrotherapy tub having an opening through a surface of the tub such that the body is removable and affixed to the surface during operation. The body includes a water inlet configured to extend through the opening and an air inlet configured to extend through the opening. The water inlet and air inlet are configured to transmit water and air, respectively, through the opening in the wall. Also included are means for providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

As described above, there would be no reason to combine Martin '259 and Gardenier et al. Further, even if combined, the combination would not result in the subject matter of claim 28 of the present application. In particular, there is no reason to believe that the alleged reconstruction of Martin '259 to allow it to be combined as alleged would be functional to provide hydrotherapy. Accordingly, such a combination could not result in the subject matter recited in claim 28 of present application, and this claim is believed to be allowable. The dependent claims are believed to allowable for the same reasons and for their own additional features.

Further, claim 34 is believed to be allowable for the same reasons as claim 28. The claims depending on claim 34 are, therefore, believed to be allowable. Claims 40 and 41 are believes to be allowable for the same reasons as claims 28 and 34, for their own additional features. Thus, claims 40 and 41 are believed to be allowable.

4. Martin '259 with Gardenier '303 and Guiler '982:

Claims 11-15 stand rejected as being obvious over Martin '259 either alone or taken with Gardenier as applied to claim 1 and further in view of Guiler '982. The Office Action alleges that although Martin '259 and Gardenier do not include conical structures, such structures are disclosed in the Guiler reference. Further, the Office Action alleges that applicant has acquiesced to this ground of rejection by not responding substantively thereto.

Applicant has stated in previous Responses to Office Actions that these claims are believed to be allowable for the same reasons as their base independent claims and for their own additional features. Further, a review of Guiler does not provide the teachings alleged by the Examiner. In particular, the Examiner refers to a nozzle or ejector 18 mounted within a nozzle box which restricts the flow of water thereby drawing air from a pipe extending above a water surface and allowing water to be ejected through a outlet 22 into a tub. However, the Office Action does not allege how the disclosure of a conical pipe discloses a water chamber having conical structures for changing a velocity of water as recited in claim 11. Further, there is a no disclosure of a plurality of such structures nor a plurality of air outlets transmitting water to the plurality of conical structures as recited in claim 12. Moreover, there is no disclosure of air outlets extending from a second chamber into a plurality of conical structures. Also, there is no disclosure of air being drawn into the plurality of conical structures as recited in claim 13. Instead, Guiler merely discloses a conduit for conducting water which has an end which is constricted in a conical shape, but it does not disclose a water chamber having a conical structure, nor is there any indication of how such a conically shaped conduit could be combined with Martin and the chambers allegedly disclosed therein to comprise a water chamber having conically shaped structures nor the details thereof recited in claims 11-15. Accordingly, even if the references were combined as alleged, they would not result in the subject matter recited in claims 11-15. Thus, this rejection is believed to be overcome.

CONCLUSION

In conclusion, Applicant submits that claims 1-18, 21, 23-32, 34-36, 40 and 41 satisfy 35 U.S.C. § 112, first paragraph. Claims 1, 3, 4, 10, 21, and 28 satisfy 35 U.S.C. § 112, second paragraph. Martin '259 teaches away from the subject matter recited in the independent claims, and further, a combination of Martin '259 and Gardenier would not result in the subject matter of the cited claims. Further, there is no suggestion or motivation for combining these references, and even if they were combined such a combination would not be operable for its intended purpose. Also, Guiler does not disclose the features of claims 11-15, which are alleged by the Office Action, and thus even if the references were combined as alleged, it would not result in the subject matter of these claims. Accordingly, it is respectfully submitted that these references can not make the claims of the present application obvious. Therefore, Appellant submits that the Final Office Action should be reversed in all respects.

Respectfully submitted,

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Dated: November 1, 2004

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APPENDIX

Claims:

1. ***(Previously Presented)*** A fluid flow system for a hydrotherapy-tub, said system comprising:

a body configured to be attached to a hydrotherapy tub having an opening through a surface of said tub such that said body covers the opening and said body is immovable and affixed to said surface during operation, said body comprising:

a water inlet and an air inlet;

a first chamber said water inlet configured to extend through the opening to transmit water to said first chamber through the opening;

a second chamber, said air inlet configured to extend through the opening to transmit air to said second chamber through the opening;

a plurality of outlets in fluid communication with said first chamber and said second chamber; and

wherein said plurality of outlets is configured to transmit water from said first chamber and air from said second chamber to an interior of the hydrotherapy-tub.

2. ***(Original)*** The system of claim 1 wherein said body is adapted to be mounted to cause said first chamber to be located between said second chamber and the interior of the hydrotherapy-tub.

3. ***(Original)*** The system of claim 1 wherein said body is adapted to be mounted on an inner surface of the hydrotherapy tub.

4. ***(Original)*** The system of claim 1 wherein said first chamber comprises one inlet adapted for fluid communication with the water source and said second chamber comprises one inlet adapted for fluid communication with the air source.

5. ***(Original)*** The system of claim 1 wherein the air source comprises ambient air outside said second chamber.

6. ***(Original)*** The system of claim 5 wherein at least one outlet of said plurality of outlets is adapted to draw said ambient air from the air source.

7. ***(Previously Presented)*** The system of claim 1 wherein at least one outlet of said plurality of outlets is adapted to provide a water-air froth to the interior of the hydrotherapy tub.

8. ***(Previously Presented)*** The system of claim 7 wherein said at least one outlet is adapted to provide said water-air froth through a venturi effect caused by fluid communication of said at least one outlet with water from said water source, when in fluid communication with said first chamber, and air from said air source, when in fluid communication with said second chamber.

9. ***(Previously Presented)*** The system of claim 7 wherein said at least one outlet is adapted to draw air from said second chamber, when in fluid communication with said air source, via a venturi effect.

10. ***(Original)*** The system of claim 1 wherein said second chamber comprises a plurality of air outlets configured to transmit air to at least one of said first chamber and said plurality of outlets.

11. ***(Original)*** The system of claim 1 wherein said first chamber comprises a plurality of conical structures for changing a velocity of the water, when said first chamber is in fluid communication with said water source.

12. ***(Original)*** The system of claim 11 wherein said second chamber further comprises a plurality of air outlets configured to transmit air to said plurality of conical structures, when said second chamber is in fluid communication with said air source.

13. ***(Original)*** The system of claim 12 wherein said plurality of air outlets extend from said second chamber into said plurality of conical structures.

14. ***(Original)*** The system of claim 11 wherein said plurality of air outlets is adapted to allow air to be drawn into said plurality of conical structures to cause a plurality of jets of water-air froth to be discharged to an interior of the hydrotherapy tub.

15. ***(Original)*** The system of claim 14 wherein said plurality of conical structures is adapted to cause said plurality of jets to be discharged via a venturi effect.

16. ***(Original)*** The system of claim 1 wherein said plurality of outlets comprises a plurality of air outlets located inside a plurality of water outlets, wherein said plurality of air outlets is in fluid communication with said second chamber and said plurality of water outlets is in fluid communication with said first chamber.

17. ***(Original)*** The system of claim 16 wherein said plurality of outlets is adapted to draw air through said plurality of air outlets into said plurality of water outlets via a venturi effect to cause a discharge of a plurality of jets of water - air froth to an interior of the hydrotherapy tub.

18. ***(Previously Presented)*** The system of claim 1 wherein said first chamber comprises a first longitudinal portion, said second chamber comprises a second longitudinal portion, the hydrotherapy tub comprises an inner surface and wherein said body is configured to be mounted to cause said first longitudinal portion of said first chamber and said second longitudinal portion of said second chamber to be located about parallel to the inner surface of the hydrotherapy tub wherein said second chamber is configured to be located between said first chamber and the inner surface.

19. ***(Withdrawn)*** The system of claim 1 wherein said body further comprises at least one outlet cover for preventing transmission of at least one of water and air to the interior of the hydrotherapy tub from at least one outlet.

20. ***(Withdrawn)*** The system of claim 16 wherein said at least one outlet cover is moveably attached to said body for at least one of covering and uncovering at least a portion of said at least one outlet.

21. ***(Original)*** The system of claim 1 wherein said first chamber comprises a water chamber and said second chamber comprises an air chamber.

22. ***(Original)*** The system of claim 1 wherein said body is adapted to conform to an inner surface of the hydrotherapy tub.

23. ***(Original)*** The system of claim 1 wherein said body is adapted to be mounted to an inner surface of the hydrotherapy tub to cause said a plurality of axes of said plurality of outlets to be substantially perpendicular to said inner surface.

24. ***(Previously Presented)*** A hydrotherapy tub, said tub comprising:

an inner surface having an opening therethrough;

an air source and a water source;

a body mounted to a hydrotherapy tub such that said body covers said opening and said body is immovable and affixed to said inner surface during operation, said body having a first chamber in fluid communication with said water source through said opening and a second chamber in fluid communication with said air source through said opening;

a plurality of outlets adapted to receive water from said first chamber and to receive air from said second chamber;

wherein said plurality of outlets is configured to transmit the water and the air to an interior of the hydrotherapy-tub.

25. ***(Original)*** The system of claim 24 wherein said body comprises a water inlet adapted for fluid communication with the water source and said body comprises an air inlet adapted for fluid communication with the air source.

26. ***(Previously Presented)*** The system of claim 24 wherein said at least one outlet comprises a plurality of outlets adapted to provide a plurality of jets of water-air froth about perpendicular to an inner surface of the hydrotherapy tub.

27. ***(Original)*** The system of claim 24 wherein said at least one outlet is adapted to draw said ambient air via a venturi effect.

28. ***(Previously Presented)*** A fluid flow system for a hydrotherapy-tub, said system comprising:

a body configured to be mounted to a hydrotherapy tub having an opening through a surface of the tub such that said body covers the opening and said body is immovable and affixed to said surface during operation, said body comprising

a water inlet configured to extend through the opening;

an air inlet configured to extend through the opening, said water inlet and said air inlet being configured to transmit water and air, respectively, through the opening in the wall; and

means for providing a plurality of jets of water-air froth to an interior of the hydrotherapy-tub from said body.

29. ***(Original)*** The system of claim 28 wherein said air inlet is adapted for fluid communication with an ambient air source.

30. ***(Original)*** The system of claim 28 wherein said means for providing comprises a means for providing said plurality of jets of water-air froth about perpendicular to an inner surface of the hydrotherapy tub.

31. ***(Previously Presented)*** The system of claim 28 further comprising a water chamber and an air chamber, wherein said water chamber is adapted for fluid communication with said means for providing and a water source, through said water inlet, and the air chamber is adapted for fluid communication with said means for providing and an ambient air source, through said air inlet.

32. ***(Original)*** The system of claim 28 wherein said body further comprises a water chamber and an air chamber, wherein said body is adapted for mounting to an inner surface of the hydrotherapy tub to cause said air chamber to be located between said water chamber and the inner surface.

33. ***(Withdrawn)*** The system of claim 28 further comprising means for altering a number of jets of water-air froth provided by said means for providing a plurality of jets.

34. ***(Previously Presented)*** A method for controlling fluid flow to a hydrotherapy tub, comprising:

mounting a body to a hydrotherapy tub having an opening through a surface of the tub such that the body covers the opening and the body is immovable and affixed to the surface during operation, the body comprising:

an air inlet;

a water inlet, the water inlet and the air inlet extending through the opening and being configured to receive water and air, respectively, through the opening; and

means for providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

35. ***(Original)*** The method of claim 34 further comprising providing fluid communication between said air inlet and an ambient air source.

36. ***(Original)*** The method of claim 34 further comprising mounting said body to an inner surface of the hydrotherapy tub.

37. ***(Withdrawn)*** The method of claim 34 wherein the means comprises at least one outlet, the body further comprises at least one outlet cover and the method further comprises moveably attaching the at least one outlet cover to the body wherein the at least one outlet cover is adapted to cover the at least one outlet.

38. ***(Withdrawn)*** The method of claim 37 further comprising moving the at least one outlet cover to at least one of cover and uncover at least a portion of the at least one outlet.

39. ***(Withdrawn)*** The method of claim 37 wherein the providing the body comprises providing a water chamber adapted for fluid communication with the means for providing and a water source, through the water inlet, and providing an air chamber adapted for fluid communication with an air source, through the air inlet, and the means for providing.

40. ***(Previously Presented)*** A method for controlling fluid flow to a hydrotherapy tub, comprising:

mounting a body to a hydrotherapy tub having an opening through a surface of the tub such that the body covers the opening, the body is immovable and affixed to the surface during operation and the body receives water and ambient air through the opening; and

providing a plurality of jets of water-air froth to an interior of the hydrotherapy tub from the body.

41. ***(Original)*** The method of claim 40 wherein the providing comprises providing a plurality of jets of water-air froth about perpendicular to an inner surface of the hydrotherapy tub.